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SENATE BILL 581

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; PROVIDING FOR AN EDUCATIONAL DATA
WAREHOUSE THAT SERVES PRE-KINDERGARTEN THROUGH POST-GRADUATE
EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. EDUCATIONAL DATA WAREHOUSE.--

A. As used in this section:

(1) "council" means the data warehouse
council;

(2) "data warehouse" means the unified
pre-kindergarten through post-graduate education accountability
data system;

(3) "data warehouse partners" means the public
education department and the higher education department;

(4) "educational agencies" means other public

1 agencies and institutions that provide educational services for
2 resident school-age persons and children in state-funded,
3 private pre-kindergarten programs; and

4 (5) "pre-kindergarten through post-graduate
5 system" means an integrated, seamless pre-kindergarten through
6 post-graduate system of education.

7 B. The data warehouse partners, in consultation
8 with the council, shall create a "data warehouse", the purpose
9 of which is to:

10 (1) collect, integrate and report longitudinal
11 student-level and educator data required to implement federally
12 or state-required education performance accountability
13 measures;

14 (2) conduct research and evaluation regarding
15 federal, state and local education and training programs at all
16 levels; and

17 (3) audit and ensure compliance of those
18 programs with applicable federal or state requirements.

19 C. The components of the data warehouse shall
20 include the use of a common student identifier for the pre-
21 kindergarten through post-graduate system and an educator
22 identifier, both of which may include additional identifiers,
23 with the ability to match educator data to student data and
24 educator data to data from schools, post-secondary education
25 programs and other educational agencies.

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1 D. The data warehouse partners shall convene a
2 "data warehouse council" made up of representatives from the
3 public education department, the higher education department,
4 the children, youth and families department, the workforce
5 solutions department, the department of information technology,
6 public post-secondary educational institutions and public
7 school districts. The council shall:

8 (1) meet at least four times each calendar
9 year;

10 (2) create a management plan that assigns
11 authority and responsibility for the operation of the data
12 warehouse among the educational agencies whose data will be
13 included in the data warehouse;

14 (3) assist the educational agencies whose data
15 will be included in the data warehouse in developing
16 interagency agreements to:

17 (a) enable data to be shared across and
18 between the educational agencies;

19 (b) define appropriate uses of data;

20 (c) assure researcher access to data;

21 and

22 (d) assure the security of the data
23 system;

24 (4) develop a strategic plan for the data
25 warehouse; and

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1 (5) create policies that ensure users have
2 prompt and reasonable access to reports generated from the data
3 warehouse, including:

4 (a) identification of categories of data
5 warehouse users based on security level;

6 (b) descriptions of the reports that the
7 data warehouse is capable of generating on demand; and

8 (c) definitions of the most timely
9 process by which users may retrieve other reports without
10 compromising the security of the data warehouse or the privacy
11 of any person whose personally identifiable information is
12 contained in the data warehouse.

13 E. The data warehouse strategic plan shall include:

14 (1) the development of policy and practical
15 goals, including time lines and budget goals, that are to be
16 met through the implementation of the data warehouse; and

17 (2) the training and professional development
18 that the data warehouse partners will provide to policymakers,
19 pre-kindergarten through post-secondary staff and other users
20 who will be accessing or entering data into the data warehouse.

21 F. The confidentiality of personally identifiable
22 student and educator data shall be safeguarded consistent with
23 the requirements of state and federal law. To the extent
24 permitted by law, public entities participating in the data
25 warehouse may:

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1 (1) disclose or redisclose data for
2 educational purposes and longitudinal comparisons, analyses or
3 studies, including those authorized by law;

4 (2) enter into agreements with other
5 organizations for research studies to improve instruction for
6 the benefit of local educational agencies, public schools and
7 post-secondary educational institutions, subject to safeguards
8 to ensure that the research organization uses the student
9 records only for the authorized study purposes; and

10 (3) disclose education records to a student's
11 former secondary school or school district upon request solely
12 for purposes of evaluation or accountability for its programs.

13 G. Nothing in this section precludes the data
14 warehouse partners, in consultation with school districts,
15 charter schools and public post-secondary educational
16 institutions, from collecting and distributing aggregate data
17 about students or educators or data about an individual student
18 or educator without personally identifiable information.

19 H. The data warehouse partners, in consultation
20 with school districts, charter schools and public
21 post-secondary educational institutions, shall jointly
22 promulgate rules to carry out the provisions of this section,
23 including security administration requirements and the
24 provision of training for data entry personnel at all levels.

25 I. By December 31 of each year, the data warehouse

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1 partners shall submit a data warehouse status report to the
2 legislature and to the governor. Prior to submission of the
3 report and its publication, the data warehouse partners shall
4 distribute a draft of the report to school districts, charter
5 schools and all public post-secondary educational institutions
6 to allow comment on the draft report.

7 J. The data warehouse partners, in consultation
8 with school districts, charter schools and public
9 post-secondary educational institutions, shall develop and
10 adopt the content and a format for the report, including the
11 ability of the data warehouse to:

12 (1) connect student records from
13 pre-kindergarten through post-graduate education;

14 (2) connect public school educator data to
15 student data;

16 (3) match individual public school students'
17 test records from year to year to measure academic growth,
18 including student-level college and career readiness test
19 scores;

20 (4) report the number and percentage of
21 untested public school students by school district and by
22 school and by major ethnic group, special education status,
23 poverty status and gender;

24 (5) report high school longitudinal graduation
25 and dropout data, including information that distinguishes

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1 between dropouts or students whose whereabouts are unknown and
2 students who have transferred to other schools, including
3 private schools or home schools, other school districts or
4 other states;

5 (6) provide post-secondary remediation data,
6 including assessment scores on exams used to determine the need
7 for remediation;

8 (7) provide post-secondary remedial course
9 enrollment history, including the number and type of credit and
10 noncredit remedial courses being taken;

11 (8) report post-secondary retention data that
12 indicate whether students are returning the second fall term
13 after being enrolled as full-time first-time degree-seeking
14 students;

15 (9) report to New Mexico public high schools
16 on their students who enroll in a public post-secondary
17 educational institution within three years of graduating or
18 leaving the high school regarding freshman-year outcomes;

19 (10) provide post-secondary student completion
20 status, including information that indicates if students are
21 making annual progress toward their degrees;

22 (11) include data regarding students who have
23 earned a general educational development certificate in
24 reporting post-secondary outcomes;

25 (12) report data collected for the teacher

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1 education accountability reporting system;

2 (13) report pre-kindergarten through post-
3 graduate student-level enrollment data, demographic information
4 and program participation information;

5 (14) report pre-kindergarten through post-
6 graduate student-level transcript information, including
7 information on courses completed, grades earned and cumulative
8 grade point average;

9 (15) connect performance with financial
10 information at all levels;

11 (16) establish and maintain a state data audit
12 system to assess the quality, validity and reliability of data;
13 and

14 (17) provide any other student-level and
15 educator data necessary to assess the performance of the
16 pre-kindergarten through post-graduate system.

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